

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLYING DOG BREWERY, LLLP,

Plaintiff,

v

No. 1:11-cv-307

MICHIGAN LIQUOR CONTROL COMMISSION,
NIDA SAMONA, DONALD WEATHERSPOON,
PATRICK GAGLIARDI, COLLEEN POBUR, and
EDWARD GAFFNEY,

HON. ROBERT J. JONKER

Defendants.

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DEFENDANTS' RULE 26(A)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendants, Michigan Liquor Control Commission, Nida Samona, Donald Weatherspoon, Patrick Gagliardi, Colleen Pobur and Edward Gaffney, (collectively, "State Defendants") hereby provide the following initial disclosures:

- A. Fed. R. Civ. P. 26(a)(1)(A)(i). The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

DISCLOSURE:

1. Nida Samona, Chairperson
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1353

Subjects: Her job duties and responsibilities as the Chairperson of the Michigan Liquor Control Commission, adoption of rules and regulations, the allegations contained in Plaintiff's Complaint, and defenses asserted in Defendants' First Amended Answer.

2. Donald Weatherspoon, Administrative Commissioner
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1353

Subjects: His job duties and responsibilities as an Administrative Commissioner of the Michigan Liquor Control Commission, adoption of rules and regulations, the allegations contained in Plaintiff's Complaint, and defenses asserted in Defendants' First Amended Answer.

3. Patrick Gagliardi, Administrative Commissioner
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1353

Subjects: His job duties and responsibilities as an Administrative Commissioner of the Michigan Liquor Control Commission, adoption of rules and regulations, the allegations contained in Plaintiff's Complaint, and defenses asserted in Defendants' First Amended Answer.

4. Colleen Pobur, Hearing Commissioner
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1353

Subjects: Her job duties and responsibilities as a Hearing Commissioner of the Michigan Liquor Control Commission and her complete lack of involvement in the beer label registration and approval process, including Plaintiff's application for approval of Raging Bitch.

5. Edward Gaffney, Hearing Commissioner
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1353

Subjects: His job duties and responsibilities as a Hearing Commissioner of the Michigan Liquor Control Commission and his complete lack of involvement in the beer label registration and approval process, including Plaintiff's application for approval of Raging Bitch.

6. Sharon Martin, Director of Licensing
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1408

Subjects: Her job duties and responsibilities as Director of Licensing for the Michigan Liquor Control Commission, the allegations contained in Plaintiff's Complaint regarding beer label registration and licensing matters for the Michigan Liquor Control Commission, and aspects of processing Plaintiff's application for registration of Raging Bitch.

7. Terri Chase, Commission Aide
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1033

Subjects: Her job duties and responsibilities as a Commission Aide for the Michigan Liquor Control Commission and aspects of processing Plaintiff's application for registration of Raging Bitch.

8. Erin Johnson, Departmental Technician
Michigan Liquor Control Commission
7150 Harris Drive
PO Box 30005
Lansing, MI 48909-7505
(517) 322-1408

Subjects: Her job duties and responsibilities as a Departmental Technician for the Michigan Liquor Control Commission and aspects of aspects of processing Plaintiff's application for registration of Raging Bitch.

- B. Fed. R. Civ. P. 26(a)(1)(A)(ii). A copy of, or a description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control of the party and may use to support its claims or defenses, unless the use would be solely for impeachment.

DISCLOSURE:

1. Plaintiff's request for approval of Raging Bitch Belgian-style India Pale Ale label.
2. Michigan Liquor Control Commission Order dated November 18, 2009 denying the request to register "Raging Bitch" for distribution and sale in the State of Michigan.
3. Michigan Liquor Control Commission transcript of licensing appeal hearing on April 22, 2010, appealing the November 18, 2009 denial by the Commission to register the "Raging Bitch" label.
4. Michigan Liquor Control Commission Findings and Order dated July 7, 2010, affirming the November 18, 2009 Commission Order.
5. Michigan Liquor Control Commission Administrative Order dated June 28, 2011, which vacates the July 7, 2010 Order, reverses Commission Order dated November 18, 2009, and approves the "Raging Bitch" label.
6. Michigan Liquor Control Commission Administrative Order dated June 28, 2011, ordering that the Commission should proceed in requesting rescission of Commission Rules 436.1611(1)(d), 436.1719(2), and 436.1829(2). All documents are located at the Michigan Liquor Control Commission Office, 7150 Harris Drive, Lansing, Michigan.

- C. Fed. R. Civ. P. 26(a)(1)(A)(iii). A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

DISCLOSURE:

Defendants do not currently claim any damages in relation to this action.

- D. Fed. R. Civ. P. 26(a)(1)(A)(iv). For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

DISCLOSURE:

There are no relevant insurance agreements.

After commencement of discovery, any discoverable writings or material not listed in this initial disclosure statement will be made available for copying and inspection as required at the Michigan Liquor Control Commission Offices, 7150 Harris Drive, Lansing, Michigan.

Respectfully submitted,

Bill Schuette (P32532)
Attorney General

s/Rosendo Asevedo, Jr.
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DATED: June 30, 2011

CERTIFICATE OF SERVICE

I certify that on June 30, 2011, I electronically filed the foregoing pleadings with the Clerk of the Court using the ECF system which will send notification of such filing to the below attorney/parties of record and I also hereby certify that I have mailed by United States Postal Service the paper any non-ECF participants.

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